

Perkins, Jenny N. (Phila)

From: Willis, Christopher J. (Atlanta) [willisc@ballardspahr.com]
Sent: Thursday, March 01, 2012 5:03 PM
To: 'lashunda'
Subject: RE: MERS Production of Documents
Attachments: CMI-Davis-Burton Supplemental Production.pdf

Ms. Davis-Burton,

I have attached, in response to your request, the MERS Milestone Report you requested. However, I want make it clear that the Defendants do not view the Milestone Report as admissible evidence. We will object to the admissibility of the document if you seek to use it in connection with this lawsuit.

Not only is the information on the report irrelevant to the issue of standing to execute a foreclosure (which is determined by holding the promissory note and the assignment of the security deed), but the Milestone Report is not an official, contemporaneous record of events related to a particular loan. Rather, events are reflected on the Report at the time they are reported to MERS, which is not necessarily at the same time that the underlying event occurs.

We are providing this document to you as a compromise and to accommodate your request, but the Defendants do not waive any of their objections to the admissibility or use of the Milestone Report.

Yours very truly,

Chris Willis

Chris Willis
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From: lashunda [mailto:lashundadavis@att.net]
Sent: Tuesday, February 28, 2012 6:00 PM
To: Willis, Christopher J. (Atlanta)
Subject: Fw: MERS Production of Documents

Mr. Willis,

I am referring to MERS request that was to be produced on January 17, 2012. Request No.1 I asked for a copy of the Milestone Report which is not available via MERS website. CMI was not the original Lender of loan, Security Deed was assigned to MERS at closing, which track the ownership interest in the promissory note as well as the assignment to foreclose. This issue is relevant to my position that CMI was

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the servicer of the loan without any ownership interest prior to foreclosure. This document is not available there MERS website absent of log in Identification. If client is willing to provide me with a temporary log in Identification to access this information that's ok with me.

Otherwise I still look forward to very least **Milestone Report** being produced. Now if its your client position that it will not produced anything period, now that is contrary to Responses and Objections which states "it will not produce any such information absent execution of an appropriate confidentiality agreement between the parties".

I hate to keep writing motions so I am hoping we could resolve the issue, the **Milestone Report** is the only thing I am seeking from this request. I may be willing to sign such an agreement if client would forward me a copy via email or U.S. postal by Friday March 2, 2012.

Thanks,

—— Original Message ——

From: Willis, Christopher J. (Atlanta)

To: 'lashunda'; Perkins, Jenny N. (Phila)

Sent: Tuesday, February 28, 2012 2:38 PM

Subject: RE: MERS Production of Documents

Ms. Davis-Burton,

Jenny is out of the office this week, so I am responding in her place. Although your e-mail does not specify the requests for production you are asking for documents in connection with, I assume you are referring to your second set of requests (which contained two requests). MERS does not have any documents that it is withholding production of solely because of the issue of a confidentiality agreement; you will note that we asserted numerous objections to those requests. Based on those objections, MERS does not plan to produce the documents you requested (although documents responsive to both of your requests are publicly available on the internet).

Your first request asked for information about the tracking on your loan by MERS, as well as copies of various agreements, such as an Electronic Tracking Agreement / Warehouse Lender Agreement, Electronic Tracking Whole Loan Sale Agreement and Electronic Tracking Agreement / Gestation. The form agreements you requested are publicly available on the internet at <http://www.mersinc.org/MersProducts/forms.aspx?mpid=1>. However, we do not believe that any of the documents you requested are relevant to this lawsuit. As we have noted, CMI's standing to foreclose on the property at issue is controlled by CMI's possession of the promissory note and the assignment of the security deed to CMI. Any information tracked by MERS would not bear on those issues, and would therefore not impact the issues before the Court. For this reason, we do not believe that this request is proper and decline to produce the documents requested.

Your second request seeks MERS' Rules of Membership and Fee Schedules. Both of these documents are publicly available on the internet at <http://www.mersinc.org/MersProducts/Publications.aspx?mpid=1> and <http://www.mersinc.org/MersProducts/pricing.aspx?mpid=1>.

Yours truly,

Chris Willis

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From: lashunda [mailto:lashundadavis@att.net]
Sent: Tuesday, February 28, 2012 12:20 PM
To: Perkins, Jenny N. (Phila)
Cc: Willis, Christopher J. (Atlanta)
Subject: Fw: MERS Production of Documents

Hi Jenny

I writing concerning the outstanding production request for MERS.. All though there's a motion for summary judgment pending I'm still entitled to MERS discovery, according to scheduling order Discovery doesn't end until April 3, 2012. Your clients stated in the Responses and Objections to the MERS request that "it will not produce any such information absent execution of an appropriate confidentiality agreement between the parties". I would like to review any proposed confidentiality agreement before I agree to sign it.

Please get back to concerning MERS production, I follow up this email with a phone call before I file a motion to compel.

Thanks.

----- Original Message -----

From: lashunda
To: perkinsj@ballardspahr.com
Cc: christopher J. (Atlanta)
Sent: Friday, February 24, 2012 11:21 AM
Subject: MERS Production of Documents

Hi Jenny,

Could you please send me a copy of the proposed confidentiality agreement your clients are requesting that sign in order to fulfill the production of documents request for MERS.

Thanks,

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